THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

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WRIT APPEAL Nos.2027, 2028, 2060, 2211, 2318 OF 2003, 162, 282, 293, 570, 59, 1876, 1896, 457 AND 752 OF 2004

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Dt: 14.09.2005

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Between:

M.Gopal Reddy, S/o.Paleti Reddy

R/o.Ayyavaripalli Post

Thallapalli, Vaimapalli Mandal

Cuddapah District and others … PETITIONERS

AND

A.P.Cooperative Oil Seeds Growers Federation Limited

Parishrama Bhavan, 9th floor, Bashirbagh, Hyderabad

Rep.by its Managing Director and others … RESPONDENTS

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COMMON JUDGMENT: (per the Hon'ble Smt.Justice T.Meena Kumari)

1. These Writ Appeals have been filed by the appellants-writ petitioners aggrieved by the common Order dated 26.09.2003 in Writ Petition Nos.10153 of 2003 and batch passed by a learned single Judge of this Court.

2. The above said batch of Writ Petitions were filed to declare the action of the respondents in introducing the Voluntary Retirement Scheme in A.P. Cooperative Oil Seeds Growers Federation Limited (for short **'the Federation'**) as illegal and arbitrary and also to declare the final common seniority list of the employees of the Federation along with the surplus and non-surplus list which is approved for the VRS-2003, vide notification dated 07.05.2003 as illegal and arbitrary and to set aside the same.

3. The learned single Judge after going into the merits of the case, dismissed all the Writ Petitions except Writ Petition No.9634 of 2003 filed by K.Ranga Rao and while

dismissing the Writ Petitions, the learned Judge declared certain employees as surplus and certain other employees as non-surplus. Aggrieved by the same, the present Writ Appeals have been preferred.

4. Since the issue involved in all these Writ Appeals is one and the same, they are being disposed of by this common Judgment. Learned counsel for the parties also agreed for the disposal of the Writ Appeals at this stage.

5. Pursuant to the common Judgment rendered by the earlier Division Bench of this Court dated 27.04.2004 in Writ Appeal Nos.1784 of 2003 and batch, the A.P. Cooperative Oil Seeds Growers Federation Limited filed Petitions for Special Leave to Appeal (Civil) Nos.15912 of 2004 and batch before the Supreme Court and the Apex Court through its Order dated 15.02.2005 in the said S.L.Ps directed this Court to dispose of the Writ Petitions and the Writ Appeals pending before this Court relating to the employees who are similarly placed within a period of two months. In view of the said directions of the Apex Court, this batch of Writ Appeals have been specially posted before this Court.

6. On 14.07.2005, after hearing all the learned counsel at length, we passed a consolidated Order, which reads as follows:

> "After hearing the oral arguments of all the counsel, this Court has felt that a consensus can be arrived at between the Oil Federation Limited and the employees with the following conditions:
>
> 1. The seniority has to be fixed by the Oil Federation Limited basing on the date of joining of the individuals in their respective posts, which they are holding as on today;
>
> 2. The Oil Federation Limited should notify the vacancies available with them as on today;
>
> 3. Options have to be called afresh under the 'VRS' from all the existing employees excluding the employees who have already left and also excluding six employees who are before the Supreme Court.
>
> Learned counsel for both the parties have submitted that they may be permitted to have a discussion with the Managing Director of the Oil Federation Limited as well as the employees. Accordingly, the counsel are permitted to have a discussion with the Managing Director on 23.07.2005 at 11.00 a.m. and the learned counsel appearing for the respondents should inform the Managing Director accordingly. Learned counsel for the appellants can also participate in the

deliberations in the interest of the employees."

7. Learned counsel appearing on behalf of the Federation has submitted that as per the above directions of this Court, on 23.07.2005 a Meeting has been convened between learned counsel for the appellants, the appellants and the Managing Director of the Federation in the chambers of the Vice-Chairman and Managing Director, AP OILFED and he has filed Minutes of the said Meeting.

8. Learned counsel also submitted that subsequently, 78th Meeting of Board of Directors of the Federation was held on 30.07.2005 at 11.30 a.m. in the chambers of the Principal Secretary to Government, Cooperation and Marketing Department and Chairman, AP Oil Federation to resolve the issues as directed by this Court on 14.07.2005 in Writ Appeal Nos.2027, 2028, 2060, 2211, 2318 of 2003, 162, 282, 293, 570, 59, 1876, 1896, 457 and 752 of 2004 filed by surplus employees of the Federation aggrieved by the Order of Voluntary Retirement Scheme of the Federation and that the Board of Directors in the said Meeting resolved to approach the Government of Andhra Pradesh for necessary approval at the earliest so that the Hon'ble Supreme Court and this Court will be apprised of the position. Accordingly, the matter has been forwarded to the State Government and the Government, in turn, addressed a letter dated 12.09.2005 to the Vice-Chairman & Managing Director, A.P. Cooperative Oil Seeds Growers' Federation Limited, Hyderabad.

9. From a perusal of the letter dated 12.09.2005, it is obvious that the Government has agreed with the suggestions made by this Court on 14.07.2005 with slight modification in respect of suggestion No.3. The relevant portion of the letter reads thus:

> "**In respect of suggestion-1**:
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> It is informed that, the OILFED had in fact fixed the seniority on the basis of the date of joining of the individuals in their respective posts. In case of more than one individuals joining on the same day, their seniority was fixed duly keeping in view their seniority in the lower cadre. Another last criterion adopted was the date of birth in those cases where more than one person had the same seniority even following the criteria of the seniority in the lower cadre. There was a clear agreement on these criterion on the basis of which seniority was fixed and surplus employees were identified. 85% of the employees accepted these criterion and availed the VRS offer. It is also informed

that the OILFED has determined the list of surplus and non-surplus employees and extended VRS to the surplus employees on the basis of the seniority list finalized by it and if the seniority list originally adopted by the OILFED is now changed or disturbed, it will set at naught the entire scheme of determining surplus employees and giving them VRS, when 85% of the surplus employees have already accepted and taken VRS. In view of this, it may not be possible to deviate at this stage from the principles originally adopted by the OILFED for fixing the seniority of the employees. With a view to honour the suggestion of the High Court, the OILFED may submit the same seniority list as finalized by it in the year 2003, based on which the surplus employees were identified and VRS offered to them.

In respect of suggestion-2:

It is informed that, there is only one vacancy in the category of Field Officer (Ag.) and therefore notifying the vacancies available with the OILFED will not entirely solve the problem of the petitioners. However, in obedience to the suggestion given by the High Court, the Federation may intimate their no objection to notify the vacancies available with the OILFED.

In respect of suggestion-3:

There are no surplus employees working in the organization except one employee who was allowed to continue subject to the outcome of the court's decision. The OILFED needs the services of all the 149 employees. In view of this, it may not be administratively convenient to offer at this stage general VRS to all the existing employees of the OILFEd. Moreover considering the age pattern of the employees of the OILFED the existing employees may not opt for general VRS if it is offered to them now. In view of this, the A.P.OILFED may agree to the suggestion of offering general VRS to all the existing employees of the OILFED duly keeping the exercise of discretion provided in the G.O.Ms.No.16, P.E.(PE.III) Deptt., dated 22.03.2001 itself to reject the VRS request of such employees whose services are needed by the OILFED because of their experience, competence and usefulness to the OILFED."

10. Learned counsel appearing on behalf of the Federation Sri Vilas V. Afzul Purkar has contended that in respect of suggestion No.3, the above observation from the Government is necessary to overcome the administrative exigencies in view of the fact that the services of those employees who are expertise in the particular field are needed by the Federation.

11. In view of the fact that the suggestions made by this Court through Order dated 14.07.2005 have been accepted in toto by the State Government vide its letter dated 12.09.2005, recording the communication of the Government dated 12.09.2005, the Writ Appeals are disposed of in terms of the said letter.

12. Learned counsel appearing on behalf of the Federation has now sought permission of this Court to implement the directions issued by the Government vide its letter dated 12.09.2005. In this context, we make it clear that it is for the Federation to act upon the said letter in its own terms.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

Dt: 14.09.2005

NOTE: 1. Furnish C.C by tomorrow

2. Place copy of the Judgment in each bundle

(b.o)

bsv/lvl